

Rave-Perkins, Krista

From: Red Brick Road <redbrickrd@outlook.com>
Sent: Friday, August 25, 2017 7:04 PM
To: Ortiz, Cathy
Cc: Starbard, John; Roberge, Steve; Pederson, Jon; Chan, Jim; Rave-Perkins, Krista; Casey.Costello@dfw.wa.gov; rebekah.padgett@ecy.wa.gov
Subject: RE: Gunshy Manor restoration issues

Thank you for your reply, Cathy.

We have three questions:

1. It appears that King County has gone ahead and issued permits for restoration on a site that was recently subject to a settlement agreement with the US EPA... without ensuring the permits are aligned with the settlement and without enforcing any of the terms in the settlement. Is that correct?
2. It was our understanding that restoration at the Gunshy Manor site would occur only after a section 404 permit was obtained from the US Army Corps of Engineers. It appears King County DPER has circumvented this by simply ignoring the requirement and issuing permits. Can you explain why this happened?
3. It was our understanding that restoration at the Gunshy Manor site would occur only after a critical areas designation was completed and reviewed by all state and federal regulatory agencies. It is our understanding that the designation has not yet been completed. How can you enforce CAO for the ongoing work without a revised CAD?

Thanks.

From: Ortiz, Cathy [mailto:Cathy.Ortiz@kingcounty.gov]
Sent: Friday, August 25, 2017 3:12 PM
To: redbrickrd@outlook.com
Cc: Starbard, John <John.Starbard@kingcounty.gov>; Roberge, Steve <Steve.Roberge@kingcounty.gov>; Pederson, Jon <Jon.Pederson@kingcounty.gov>; Chan, Jim <Jim.Chan@kingcounty.gov>; Rave-Perkins.Krista@epa.gov; Casey.Costello@dfw.wa.gov; rebekah.padgett@ecy.wa.gov
Subject: RE: Gunshy Manor restoration issues

Dear Red Brick Community:

Thank you for your e-mail yesterday informing DPER of your concerns about potential activity occurring at Gunshy Manor that may not have been in compliance with issued permits.

We had an inspector visit the site this morning to confirm compliance with King County Code and the conditions of the issued permits. This includes erosion control. (The settlement agreement is a private agreement of which King County is not a party. King County cannot enforce the terms of that agreement.)

Unsuitable material that is required to be removed will need to be fully accounted for which is a condition of the permit. There is a portion of the site, upland and outside the Critical Aquifer Recharge Area, where some of the material may be used. The rest of the material must be removed from the site. The roads, after the widths are reduced, may be compacted and continued to be used as a farm road, excluding the road spur being removed. Our Inspector found the site to be in compliance with county permits.

If you have further questions or concerns please contact Steve Roberge, Single-Family Product Line Manager, by telephone at 206-477-0448 or via e-mail at Steve.Roberge@kingcounty.gov or you may also contact Jon Pederson who is the Inspector for this project, by telephone at 206-477-0330 or e-mail at Jon.Pederson@kingcounty.gov.

Thank you for bringing your concerns to our attention and allowing us the opportunity to respond.

Sincerely,

Cathy Ortiz, Assistant to Director John Starbard

King County Department of Permitting
and Environmental Review
35030 SE Douglas Street, Suite 210
Snoqualmie, WA 98065
206-477-0353

**** Customer Service Hours ****

7:30-11:30 & 1:00-3:00 Mon/Tue/Thur/Fri

CLOSED TO PUBLIC ON WEDNESDAY

From: Red Brick Road [<mailto:redbrickrd@outlook.com>]

Sent: Thursday, August 24, 2017 4:17 PM

To: Claussen, Kimberly <Kimberly.Claussen@kingcounty.gov>; Pederson, Jon <Jon.Pederson@kingcounty.gov>; Starbard, John <John.Starbard@kingcounty.gov>; Rave-Perkins.Krista@epa.gov; Casey.Costello@dfw.wa.gov; rebekah.padgett@ecy.wa.gov

Subject: RE: Gunshy Manor restoration issues

Oh, and one more thing.

We're seeing heavy machinery operated by Cascade Utilities (including a John Deere backhoe) use the Red Brick Road exit from Gunshy Manor in order to access their equipment yard to the west.

The settlement explicitly requested that the Brick Road not be used during restoration, due to risks to the already fragile surface, and there is no reason except saving minimal time for Cascade Utilities to be using the Brick Road when there's another exit on Union Hill Road.

If Cascade Utilities and the Nelson Family can't adhere to even the simplest part of the settlement, how can we expect them to honor the rest of it?

Thank you.

From: Red Brick Road

Sent: Thursday, August 24, 2017 2:56 PM

To: Kimberly.claussen@kingcounty.gov; Pederson, Jon <Jon.Pederson@kingcounty.gov>; john.starbard@kingcounty.gov; Rave-Perkins.Krista@epa.gov; Casey.Costello@dfw.wa.gov; rebekah.padgett@ecy.wa.gov

Subject: Gunshy Manor restoration issues

Dear King County DPER, US EPA, WA DFW, WA ECY:

Restoration has begin on the Gunshy Manor site, and our neighborhood has some issues to raise with how it's proceeding:

First, we believe the site owners are violating the settlement agreement by re-compacting soils after removal from the roads. They are operating a massive road machine rolling soil compactor behind the excavator which is removing the top layer of the loop road top layer. This should not be allowed on site, and is clearly a violation of the owner's agreement to restore the loop roads to their prior condition: by re-compacting what was previously compacted (without permit), they are essentially preserving their unpermitted roadwork. Does their permit allow them to re-compact? What kind of best practices for restoration allow recompacting of soil that was already compacted without authorization?

Second, we would like to understand how King County DPER is accounting for the quantity of asphalt grindings removed. We have receipts provided by the owners of Gunshy Manor that show that at least 480 tons (nearly 1 million pounds) of fill were brought in. It would be reasonable to expect that the owners will be able to account for how much material is removed as part of the restoration. Our neighborhood can observe some piles of material being dumped upland on the Gunshy Manor site. However, what happens when the pile does not exceed 20 tons? Is DPER monitoring this and measuring compliance?

Third, the site owners have failed to create any erosion barriers or runoff control system at the grading site. They have not deployed any kind of soil erosion control eco-fencing. The site plan clearly shows that the adjacent streams are fish bearing streams, but there is no obvious sign of any erosion barrier being deployed to prevent rain water runoff directly into the stream adjacent. We believe this too is a violation of the settlement agreement, which aimed to preserve these streams.

In light of these issues, which given the history of the site could likely have been anticipated, our neighborhood would like to ask what specific action items DPER will perform to remedy their lack of oversight, and to correct issues such as the soil re-compaction that have already been performed by Cascade Utilities.

Thank you.